

The Examiner has indicate that claims 35-37 include subject matter that has not been elected, specifically SEQ ID NOs: 44-55, 57, 58, 60, 61. Thus claims 35-37 are withdrawn from consideration to the extent that they are directed to a non-elected invention. Applicants have amended claims 6, and 35-37 to remove these SEQ ID NOs. from the claims. Applicants respectfully submit that these claims are now allowable. Applicants reserve the right to pursue any non-elected material in a division or continuation application.

The Examiner has maintained the objection to the application as not complying with the sequence rules, 37 C.F.R. § 1.8211.825. Applicants will submit a new Sequence Listing and Amendment as a Supplemental Response to this office action.

Claim 6 and claim 35 stand rejected under 35 U.S.C. 102(b) as being anticipated by Andrews. In order to expedite examination of this case, Applicants have amended the claims to remove SEQ ID NOs. 40 and 43 from the claims. Applicants respectfully submit that the claims are now in condition for allowance.

Claim 24 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for reciting the limitation "fragment peptide" in line 3. Applicants have amended the claim to recite "a fragment peptide of said receptor". Applicants respectfully submit that the claim is now in condition for allowance.

Claims 6 and 35 stand rejected under 35 U.S.C. 102(b) as being anticipated by Andrews. In order to expedite examination of this case, Applicants have amended the claims to remove SEQ ID NOs. 40 and 43 from the claims. Applicants respectfully submit that the claims are now in condition for allowance.

Claims 6, 35 and 36 stand rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sutcliffe in view of Sherman. In order to expedite examination of this case, Applicants have amended claims 6, 35

and 36 to remove SEQ ID NOs. 39, 40, 42 and 43 from the claims. Applicants respectfully submit that the claims are now in condition for allowance.

In view of the above amendments and discussion, it is respectfully submitted that the present application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited. Should the Examiner wish to discuss the above amendment made herein, the undersigned attorney would appreciate the opportunity to do so. Thus the Examiner is hereby invited to call the undersigned, collect at the number shown below.

Date: November 27, 2002

BOS2_319777.1


Customer No.



21874

PATENT TRADEMARK OFFICE

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE.

In the claims:

Please amend the claims as follows:

6. (Amended three times) An isolated peptide having the amino acid sequence defined under any of SEQ ID NO:35 to SEQ ID NO:55 38 or SEQ ID NO:41 or a salt of said peptide, wherein the peptide has cortistatin or somatostatin activity.

24. (twice amended) A kit for screening for a compound, or a salt thereof, which is capable of modifying the binding of the peptide or salt claimed in Claim 1 to a receptor for said peptide or salt, or a fragment peptide of said receptor, which kit comprises the peptide or salt claimed in Claim 1.

35. (amended) An isolated peptide comprising the amino acid sequence defined under any one of SEQ ID NO:1 to SEQ ID NO:3, ~~and~~ SEQ ID NO:35 to SEQ ID NO:55 38 and SEQ ID NO:41 and having cortistatin or somatostatin activity.

36. (amended) An isolated peptide comprising the amino acid sequence defined under any one of SEQ ID NO:1 to SEQ ID NO:3, SEQ ID NO:35 to SEQ ID NO:42 38 and SEQ ID NO:41 ~~and SEQ ID NO:44 to SEQ ID NO:55~~ and having cortistatin or somatostatin activity.

37. (amended) An isolated peptide comprising (i) the amino acid sequence defined under any one of SEQ ID NO:4 to SEQ ID NO:7, ~~and SEQ ID NO:56 to SEQ ID NO:61~~ or (ii) the amino acid sequence derived from the amino acid sequence defined under any one of and SEQ ID NO:4 to SEQ ID NO:7 by deletion of the C-terminal Lys.